

## DEBRIS REMOVAL FROM A CRIME SCENE

This information comes from a document prepared by the federal Department of Homeland Security. It was created from interviews conducted with personnel who responded to the Alfred P. Murrah Federal Building (Murrah Building) Attack, including Federal Bureau of Investigation (FBI), Oklahoma City, Oklahoma (OK) Fire Department, and State of Oklahoma Division of Emergency Management. (March 9-10, 2005). While the emphasis of this section is focused on a Weapon of Mass Destruction (WMD) incident, it is applicable to other terrorist events where debris is part of a criminal investigation.

### Introduction and Purpose

It is essential for public safety, and for purposes of crime scene investigation that the site of a WMD incident is secured during the initial response, and maintained during the recovery operation. The purpose of this document is to help local governments establish methodologies to be utilized at a crime scene that focus on law enforcement concerns such as site security and the safeguarding of evidence. The early response phase of a critical incident must prioritize public safety and responder safety. The securing of or collection of evidence should never be prioritized higher. However, the scene and the evidentiary possibilities must be safeguarded while simultaneously meeting the life safety objectives. The large quantities of debris generated by a WMD and/or terrorist incident can be a logistical problem for planners. It is important to have an understanding that the debris must actually be considered evidence until the lead law enforcement agency has declared it clear of evidentiary possibilities. As debris is removed in order to meet the rescue and recovery objectives, it should be handled in a secure fashion. Typically, in a small scale crime scene, evidence recovery does not begin until the rescue and recovery phase of the operation is complete. However, in a large scale critical incident, the large amount of evidentiary debris to be removed and processed creates the need for operations to run concurrently with first responders rescue and recovery operations. A timely investigation, including evidence collection, should begin as promptly as possible. A lengthy recovery phase could cause a significant delay. Small scale crime scenes typically do not present this amount of debris or this situation. Incident command is critical to managing these multiple objective operations. This chapter addresses law enforcement agency responsibilities, and security and evidentiary issues of debris management during the rescue and recovery phases of the WMD debris operation.

### Lead Agency

When a WMD incident occurs, many local, State, and federal law enforcement agencies will respond and play significant response and investigative roles. However, only one law enforcement agency will be named the lead law enforcement agency. In matters of the investigation of terrorist acts or terrorist threats by individuals or groups inside the United States, or directed at United States citizens or institutions abroad, Homeland Security Presidential Directive/HSPD-5 grants lead responsibility to the Attorney General. The Attorney General will usually designate the FBI as the lead investigative agency. While other local, State, and federal agencies will play significant roles in the investigation, case management decisions will be made by the FBI. This includes decisions regarding WMD evidence management, collection, and preservation. Local law enforcement roles generally include perimeter establishment and security, control of site access, escorting transported debris, and assisting the FBI in the collection, preservation, and documentation of evidence.

### Role of the FBI

The FBI is typically not considered a first responder asset, but rather a follow-on asset that will begin management of the investigation and the crime scene. It is the responsibility of the first responder community to make the initial response, initiate search and rescue operations, establish scene security, and implement life safety measures. However, for larger cities the Bureau may be among the first responders, as it was for the

Oklahoma City Bombing. In the attack on the Murrah Building, the FBI office was in close proximity to the bomb site, and a substantial number of agents were immediately at the site actively engaged in the recovery effort (Reference). It is paramount that the FBI interface with the on-scene first responder community in order to meet Bureau objectives and yet not disrupt the ongoing operations of police, fire, and EMS personnel. In order to properly interface with the first responder assets, the FBI will operate within two management structures. These are: 1) Joint Operations Center (JOC), and 2) as a component of the Incident Command System (ICS)/Incident Management System (IMS). Both allow for appropriate interface with local agencies.

### Joint Operations Center (JOC)

The JOC is the FBI-led coordination center for crisis management, and is typically located away from the incident site(s). The JOC is a multi-agency center from which the investigative needs of the incident are addressed. It is critical that local agencies also have a presence in the JOC.

### Incident Command System/Incident Management System ICS/IMS

The ICS/IMS is the task level management structure for incident management concerning the event. The FBI will have representation in several functional areas of ICS/IMS, including a senior level Bureau Official in Unified Command, and FBI operational assets in the Operations Section. It is critical for local, State, and federal agencies operating within the ICS/IMS to liaison with FBI assets in their respective areas. Multiple incident sites will require additional ICS/IMS functions, and each will have FBI representation as required.

Pre-planning and training have significant positive impacts on the command response to major incidents. Oklahoma City first responders had a response drill just weeks prior to the bombing of the Murrah Building. Pre-event planning and periodic training/exercise participation to validate plans is essential for success. Training and exercises should include all other area responders as appropriate.

### FBI Operations

The FBI Field Office having geographic jurisdiction will have lead authority for the investigation. FBI evidence recovery operations will take place in coordination with Public Safety Officials in the Unified Command function of ICS/IMS to ensure emergency operations are completed without conflict with life safety activities.

The FBI may engage the services of internal response assets to assist in evidence collection and management. The FBI Evidence Response Team (ERT) from the FBI Field Office having geographic jurisdiction, will have lead authority in the collection of evidence from the terrorism incident site and from any remote recovery site. The FBI Hazardous Materials Response Unit (HMRU) and Hazardous Materials Response Team (HMRT) personnel will facilitate the collection of contaminated evidence from the incident site, and any remote recovery site in coordination with the ERT having jurisdiction.

The HMRU will establish a Safety Officer at the incident site and any remote recovery site to address all FBI safety concerns. The HMRU will develop a Site Safety Plan for all FBI operations. The FBI site safety plan will encompass the specific FBI operation, FBI personnel, and others assigned to FBI operations. This site safety plan will be coordinated with the overall site safety plan, but will be site and mission specific to FBI operations.

The evidence recovery operation will be conducted utilizing standard FBI ERT evidence collection procedures. Any WMD evidence destined for laboratory analysis will be collected under the auspices of the FBI HMRU Science Program. The WMD evidence will be packaged for safe transport and transported by the HMRU.

## Maintaining Integrity of Crime Scene

Initial site security is initiated by the local response. A perimeter is established in the course of protecting the public and giving adequate space for response workers, equipment, and vehicles. This original perimeter will be maintained or possibly expanded by local law enforcement with regard to protecting the outer limits of the crime scene. Planning must begin early to strengthen this perimeter with physically durable materials such as chain link or other fencing.

## Perimeter Establishment and Enforcement

An outer perimeter will be established at the initial site. This outer perimeter should be large enough to guarantee the integrity of the site. The crime scene must be protected so that no external parameters are allowed to impact it or the procedures conducted within it. An inner perimeter will be established around the actual crime scene, to include the farthest piece of evidence from the incident site. The inner perimeter location is initially determined by local law enforcement personnel unless the FBI is among the first responders in which case it will be done jointly. Additional inner perimeters or zones may also be created as necessary to separate specific work areas or break areas. The area between the inner and outer perimeter will be utilized for ICS/IMS operations, staging, logistics, planning, and other incident related activities.

Some initial sites may have adequate space to allow for the creation of evidence (debris) processing sites within the inner perimeter. In most cases, this is not possible and arrangements must be made to transport evidence (debris) to an offsite location for processing. In this event, both inner and outer perimeters must also be established for any remote work sites associated with evidence processing and recovery.

Entry into the inner perimeter will often require donning of appropriate personal protective equipment. This requirement should be strictly enforced by the Site Safety Officer. Logging name, date, and time of entry through a controlled check point is also required. This includes vehicles. This controlled check point is generally the first point where responders are required to wear the appropriate personal protective equipment (PPE) to make entry. This control should be monitored and maintained within the inner perimeter for responder safety. Failure to properly wear the PPE according to the site specific safety plan should cause the removal of the offending responder(s) from the work area by the Site Safety Officer. An accountability system for inner perimeter responders should also be utilized for responder safety.

At the Murrah Building in Oklahoma City, three ringed perimeters were initially established which encompassed security for the various command posts and Unified Command. Media were contained within the outermost perimeter. The inner two ringed perimeters were both totally secured with only one ingress/egress for first responders, i.e. fire, law enforcement, and EMS to include hospital/triage.

At the Pentagon 9-11 site, three ringed perimeters were also established. The outer perimeter contained parking for responders' vehicles, food, beverage, restrooms, and other support for responders and a credentialing station. The second perimeter allowed for individual agency forward command tents, equipment, and responders assigned to shifts. This perimeter utilized one ingress/egress point. The inner perimeter required specific work assignments and required the wearing of PPE. The ingress/egress point was tightly controlled by a safety officer to ensure responder accountability and the proper use of appropriate PPE. Entries into the inner perimeter were coordinated with Incident Command so as not to interfere with operational tasks and to provide for the safety of the crime scene responders.

In the early days of the World Trade Center (WTC) response, perimeter establishment and security was addressed by the New York Police Department (NYPD). The National Guard eventually took over the responsibility of perimeter security from NYPD. Managing the objectives of the various response agencies through a Unified Command is necessary to minimize confusion about giving access to perimeters to authorized personnel.

## Site Access and Credentialing

The size of the perimeter and the number of responders make perimeter security a difficult task. Unauthorized individuals and media personnel will attempt to penetrate the perimeters. Planning should include efforts to establish appropriate resources to provide for on-scene credentialing for all personnel. With multiple agencies responding to assist in the recovery efforts, a common identification system is most secure and may be more efficiently monitored by security personnel. A credentialing point should be located outside of the outer perimeter and easily accessible by responding agencies. Color codes or other identifying marks may be utilized to represent approved work zones for an individual. An additional layer of security may be added by marking identification with specific codes for each day to minimize counterfeiting ID's. The entry and exit of the outer perimeter should be made at designated control points. Name, date, and time of entry or exit should be logged at these control points to include vehicles as discussed previously for the inner perimeter. The Murrah Building site and the Pentagon 9-11 site both utilized a credentialing system that provided for a standardized identification card with photo for each responder. Color codes on the identification cards dictated the authorized work areas for that responder. The media at the Murrah Building site were also vetted and issued identification with limited access to the outer perimeter.

Credentialing of responders at WTC was necessary due to the overwhelming number of out of town responders self-dispatching to the area. Once a credentialing system was in place, issued credentials clearly stated what areas of the site an individual had authority to enter.

Media access into the perimeter must be approved by the JOC, and access will be by law enforcement escort only. The inner perimeter should not be made available to the media. Any other special requests for site access should go through the JOC for approval. The JOC may also establish no-fly zones through the Federal Aviation Administration to further secure the perimeter from unauthorized access

## Evidence Collection and Preservation

### **Chain of Custody**

Chain of custody technically begins once an item has been collected. As debris is removed from a site for transport to another site for processing, it is technically being collected at that point in time. Any transport of collected debris should be documented well so that a chain of custody of the material may be established. Documentation should contain the names of equipment and truck operators, date, time, and work zone. The debris that is transported should be accompanied by, or monitored by a law enforcement officer until it has been delivered to a remote secure site where custody is transferred. This transport includes all means of transport including use of waterways. A more specific chain of custody will begin once an item has been located in the debris, and then tagged, and logged according to FBI ERT protocols.

At the Murrah Building site, almost immediately after being identified as a terrorist incident, the FBI was designated as the lead investigative agency. The Federal Rules of Evidence were applied to the collection of evidence and documentation of the scene. Chain of custody, receipt and logging of evidence, and scene documentation were all specifically designated responsibilities. Training on process procedures and methodology was given before anyone was assigned to a search team. This included fire, EMS, and hospital personnel.

At the WTC site, evidence collection procedures were established immediately between the FBI and NYPD Crime Scene Unit. Evidence logs, chain of custody logs, photo logs, and victim/remains logs were implemented. After several days, computer databases and bar code systems were put into place. Manual logs continued as back up documentation.

## Evidentiary Processing and Debris Considerations

Transport of debris with evidentiary possibilities should be tracked so chain of custody may be established. Evidence located and collected at the original site should be logged, tagged, and secured at a designated evidence receiving area on location. The remote processing site will have its own log and evidence receiving area. Planning should include the establishment of a receiving point to secure large quantities and varying sizes of evidence. An offsite warehouse that can be secured by law enforcement twenty-four hours a day is a good option. Another option is large storage containers that may be moved by truck or train at a later time. Law enforcement will have final approval to transition debris from an evidence status to a clear debris status. This approval is made by the FBI through the JOC.

In Oklahoma City, the debris was trucked from the Murrah Building site to the searching and sifting site which was located at the Oklahoma County Firearms Range in a secured area which was identified as non-contaminated. Large sifter/shakers used in ore mining operations were brought in for evidence recovery and only post blast scene, trained personnel were utilized for this process. Transport trucks and drivers were vetted and trained on what they could and could not do during the transportation process, and all were escorted by local police. Investigators were positioned at each debris removal point to observe for evidence during the loading process. Debris was moved by Public Works and contracted labor to the county gun range. The Oklahoma County Sheriff's Office provided the debris security.

The Pentagon 9-11 site was large enough to maintain the debris removed from the Pentagon on location within the secure perimeter. Of course, there was significantly less debris to be processed at this site as compared to the Murrah Building site or the WTC site.

At the WTC site, debris was moved with heavy equipment and trucked to an alternate location, the Fresh Kills Landfill in Staten Island, to be further processed for evidence. Security at this alternate site was provided by the NYPD. The loads of debris were trucked to the site under police escort. Teams of detectives and FBI Agents raked through debris fields created by mechanical sifters and searched for evidence and remains. Eventually, the New York City Department of Sanitation (DSNY) made it possible to carry debris by barge. Escorted trucks of debris would dump onto barges which would dump back to trucks near the landfill. The trucks would then haul the debris to the landfill for processing. This delivery process was under police escort and observation.

In some cases, remaining post blast structures must be imploded. The additional debris created by this action must be removed and protected from looters. In most cases, imploded debris has no evidentiary value. Care should be taken to keep the exploded and imploded debris separate. At the Murrah site, a thick mylar plastic was used to cover the entire area where searching was incomplete to protect the potential evidence and to identify the area remaining to be searched. After implosion, the debris, down to the plastic layer was removed to a different secondary site which was secured from public access, but not secured as evidence. The decision to implode the Murrah building was made after search day eleven. At that time, chances of a live rescue were severely limited, and the structure of the remaining building was considered unsafe for responders.

## Contamination Considerations (CBRN): Non-conventional

A non-conventional WMD incident brings on additional, significant concerns and considerations. Downrange operations within the inner perimeter are likely to require high levels of PPE, training, and OSHA certification to work there. This will include all responders, equipment operators, truck drivers, and visitors. This will significantly slow down all operations. Work times downrange will be severely reduced, bulky, hot PPE will tire responders and workers more quickly and they will require longer rehabilitation. Decontamination of victims, personnel, debris, and evidence will be required. Debris that will be transported to offsite locations must be appropriately containerized prior to leaving the inner perimeter (hot zone). Also, the receiving facility for remote operations must approve the receipt of hazardous materials. In effect, the development of an offsite

processing area creates a new, hazardous area requiring all the safety considerations as for the initial site. Early sampling for lab analysis will provide identification of contaminants which will aid in determining PPE requirements and decontamination decisions and in the development of safety plans regarding the movement and placement of the hazardous debris. Incident Commanders have access to specially trained National Guard assets for non-conventional incidents to support hazardous materials operations. These support units are Civil Support Teams (CST). They have been equipped and trained to perform detection, collection, mitigation, and presumptive on site analysis at chemical, biological, radiological, and nuclear incidents. A CST may be requested by the Incident Commander through the Governor.

Debris at the WTC site that was trucked or moved by barge was covered in order to containerize the materials. The barges and trucks were also sprayed down with water prior to transport to reduce the airborne dissemination of potentially hazardous particulates.

### Human Remains Recovery

As in any crime scene, human remains are considered evidence. However, the Medical Examiner that has jurisdiction in that area has ultimate control and authority over the remains. It is important to the identification, and cause of death objectives of the Medical Examiner, and to the investigative needs of the FBI that the remains' location and other information pertaining to it are adequately documented. Planning to meet this objective should include the Medical Examiner, the FBI, and local/State law enforcement personnel. In WMD incidents, much of the human remains will be located and recovered in small amounts. These remains are typically recovered as found in biological containers or biological bags without a physical response from the Medical Examiner. However, information on location, collector, date, and time will be documented as dictated by the Medical Examiner's recovery plan. When intact or somewhat recognizable remains or larger segments of remains are located, the Medical Examiner, or their designee will be notified, and escorted to the remains for documentation and collection. The Medical Examiner will take custody of all remains, regardless of size. Planning should occur through the Medical Examiner for securing a refrigerated location near or on site to receive human remains on a daily basis. All remains, regardless of size, need refrigerated storage.

Normally, it is the responsibility of the Medical Examiner to initiate chain of custody and identification of bodies and human remains. At the Murrah site, fire personnel would escort a Medical Examiner representative to intact human remains when located in the debris. The Medical Examiner's representative would document location, date, time, name of collector, photograph, start chain of custody, and remove the body. Law enforcement personnel were assigned to the morgue to secure evidence recovered from the remains and to establish and maintain the chain of custody for that evidence. A temporary morgue was established in refrigerated trucks for initial processing. More complete processing was conducted at the Medical Examiner's Office.

Human remains contaminated with WMD material create additional contamination issues. Decontamination of intact remains is a possibility. However, there is a concern as to the loss of evidence on or lodged inside the remains. Decontamination of partial remains would be extremely difficult. Most decontamination solutions could also damage the DNA analysis utilized for identification of the remains. The type of contamination on the remains would also be a determinant in the type of decontamination necessary and how harmful it will be to the DNA analysis. This decision is one to be made by hazardous materials professionals, the Medical Examiner, and the FBI in order to prioritize and meet objectives. Temporary refrigerated storage may be necessary (refrigerated trailers) to continue morgue operations.

### Personal Property Recovery and Release

The lead law enforcement agency, FBI, through the JOC will ultimately decide what debris or other items are cleared for return to appropriate owners. Once all evidentiary possibilities have been considered for a particular item, a decision to release the items may be made. If the item is contaminated by a WMD material, further

testing will be required. Generally, law enforcement and fire departments will not be available for the decontamination of personal property. Hazmat clean up contractors may be available to perform decontamination procedures at the owner's expense. The contractors would then follow up with surety testing to provide data that the items were in fact decontaminated. Ultimately, it is the responsibility of the Public Health Department to review the data and give final approval for the release of any contaminated property. This is the procedure utilized for the release of contaminated buildings and residences as well.

Personal property from the Murrah site such as jewelry and money was also tracked through the Medical Examiner's Office with an accounting of valuable items by evidence technicians. Vehicles that were part of the crime scene were processed for evidence (vehicles contained blast fragmentation) and retained as evidence. Any items removed from the scene as personal property, evidence, or property of other government agencies must be documented. During the trial of Timothy McVeigh for the bombing of the Murrah Federal Building, the defense challenged the removal of items from the scene that were not documented on official evidence or property logs. Certain federal agencies that were housed in the Murrah Building removed some of their training devices and secure equipment from the debris. This type of property return had not been documented appropriately and created an issue for the prosecution. The defense alleged that the Federal Government was attempting to secretly remove "devices" from the crime scene. All property, evidentiary or not, that is removed from the debris should be well documented. See Chapter 7, Recovery and Disposition of Human Remains and Personal Property for additional information.

### Operational Security (OPSEC)

Employment of a WMD may result in classified items becoming mixed within the debris. The Murrah Building in Oklahoma City housed office space for the Bureau of Alcohol Tobacco, and Firearms (BATF), and The United States Secret Service (USSS). Many items from gun vaults, and evidence vaults and case file rooms were lying unsecured within 1-2 blocks of the building. The Pentagon had many unsecured safes containing classified information that were left open upon evacuation. As first responders discover these items and situations, a procedure is required such that these items may be immediately secured. Immediate notification and retrieval by an agency representative works well. Any agencies with potential exposure of classified documents or items should have a representative to make recovery on-site as well as a representative located in the JOC.

Each federal agency that had a presence in the Murrah Building also had a presence within the initial task force infrastructure. As classified or sensitive items or documents were recovered, they were immediately turned over to their respective agency representative. This must be documented as well.

### Checklist

- Establish Incident Command/Unified Command, and begin immediate interfacing with other local, State, and federal responders.
- Secure outer and inner perimeters. Begin to locate large quantities of adequate fencing to strengthen the perimeter.
- Local law enforcement and FBI should establish evidence collection, and documentation processes, and protocols early on. This should include a database for data storage and retrieval.
- Establish a credentialing system, both equipment and operators. Locate an offsite area for this purpose, and designate that site as the reporting location for additional follow-on responders from other jurisdictions (local, State, and federal, etc.) Discourage responding agencies from reporting directly to the incident site. In-processing is required first.
- Locate a secure offsite location for debris to be stored and processed. Hazardous vs. non-hazardous debris is a consideration for location. It may be necessary to locate storage containers or warehouse space to store collected evidence.

- Procure heavy equipment and operators. The operators may need evidence awareness training or other specialized training such as certifications to work in a hazardous environment, or to utilize the equipment to perform search and rescue operations.
- Assist Medical Examiner's Office in locating additional space for morgue operations such as refrigerated trailers or other cold space. Coordinate with the ME's office for human remains documentation and recovery plan.